



# Public Notice

Applicant:  
Miguel & Denise Zubizarreta

Issued: October 10, 2012  
Expires: November 8, 2012

U.S. Army Corps  
of Engineers  
Buffalo District

Application No: 2012-01072  
Section: OH

All written comments should reference the above Application No. and be addressed to:  
**US Army Corps of Engineers, Buffalo District Regulatory Branch**  
1776 Niagara Street  
Buffalo, NY 14207-3199

**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

**Application for Permit under Authority of  
Section 10 of the Rivers and Harbors Act of 1899 and  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

**APPLICANT:** Miguel & Denise Zubizarreta, 31214 Lake Road, Bay Village, Ohio 44140

**WATERWAY & LOCATION:** Lake Erie at 31214 Lake Road, Bay Village, Cuyahoga County, Ohio 44140

**LATITUDE & LONGITUDE:** Latitude North: 41.5015  
Longitude West: -81.96247

**EXISTING CONDITIONS:** The site has an existing 60-80 foot wide area of concrete rubble along the entire shoreline that extends up to 70 feet out into the lake.

Description of delineation of waters of the US, if applicable: Lake Erie is a Section 10 waterway

**PROPOSED WORK:** The proposed project includes the removal of existing concrete rubble from an area approximately 155' long by 58' wide. The concrete rubble will be placed above the ordinary high water (OHW) elevation of Lake Erie, 573.4' International Great Lakes Datum 1985. Additionally, construction of a 146 linear foot concrete module seawall with a 10' wide concrete slab and concrete retaining wall along the entire shoreline of the property, a 31 linear foot armor stone revetment (3-5 ton) along the east (10' long) and west ends (21' long) of the project, and a new steel crib "T" pier with concrete slab (10' wide by 50' long) is proposed. A 10' by 10' steel walkway will connect the crib pier to the shoreline. A new walkway and storage building will be constructed above the OHW of Lake Erie.

## PROJECT PURPOSE

Basic: Bank stabilization, lake access, and boat/jet ski dockage

Overall: To provide long term shoreline protection to the property, provide lake access from the top of the bluff, and provide dockage for boats and jet skis at the subject property

Water Dependency Determination (*describe only if project affecting Special Aquatic Site*): NA

Avoidance and Minimization Information: A 10' gap will exist between the "T" crib pier and the shoreline to help facilitate littoral drift of sediments. Additionally, the crib pier was reduced from 70' to 50' to help minimize the amount of impacts to Lake Erie.

Proposed Mitigation: No mitigation has been proposed for this project.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Peter Krakowiak, who can be contacted at the above address, by calling (716) 879-4363, or by e-mail at: [Peter.j.krakowiak@usace.army.mil](mailto:Peter.j.krakowiak@usace.army.mil) A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Glen Cobb  
Ohio Department of Natural Resources  
Environmental Policy Coordinator  
Office of Legislative Services  
2045 Morse Road, Building D-3  
Columbus, Ohio 43229  
Phone: (614)265-6888  
FAX: (614) 267-4764  
[glen.cobb@dnr.state.oh.us](mailto:glen.cobb@dnr.state.oh.us)

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 4 of 8. Therefore, the Corps has determined that the proposed project will have no effect on historic properties. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat, Kirtland's warbler, and piping plover and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross-examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

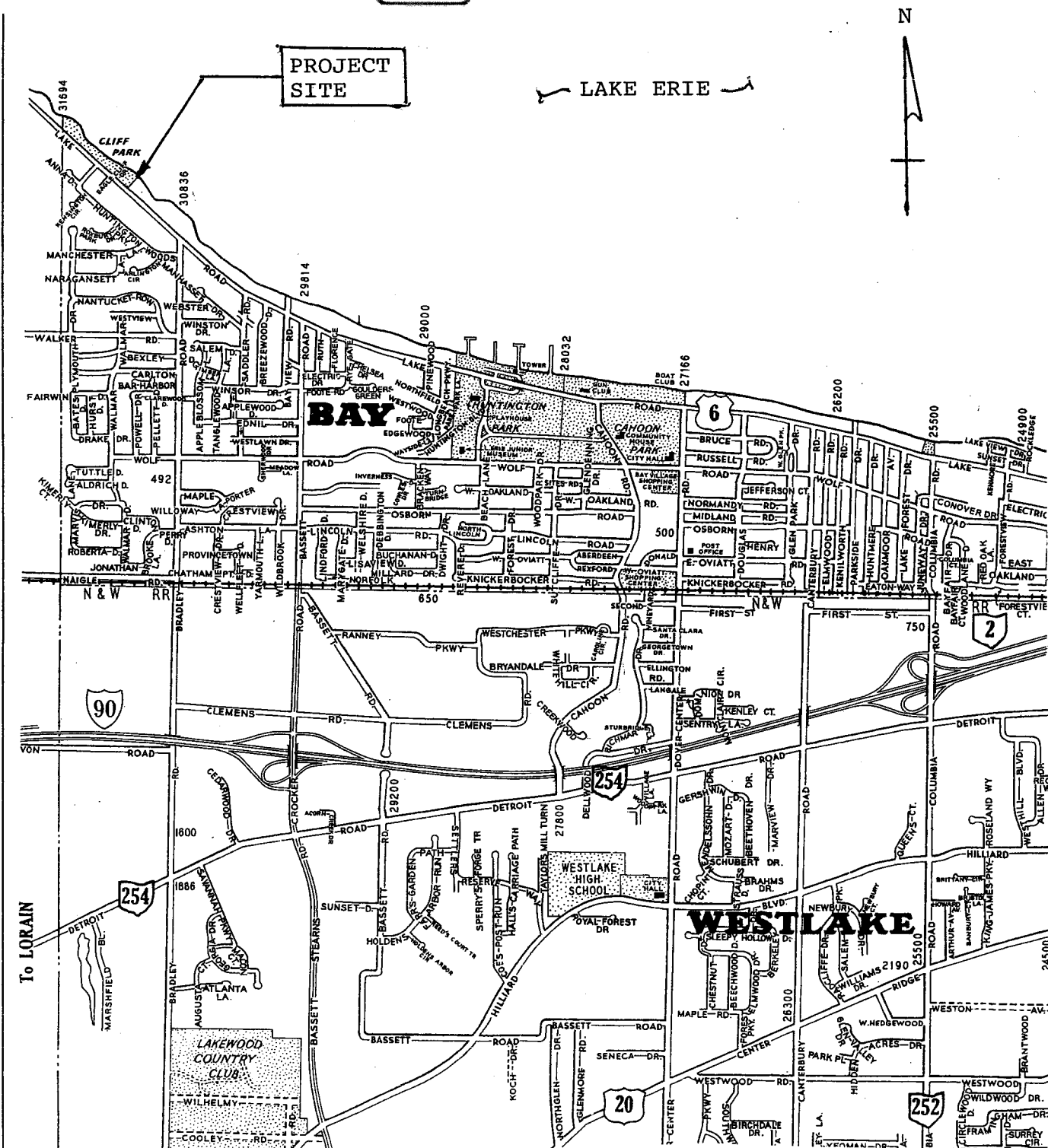
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

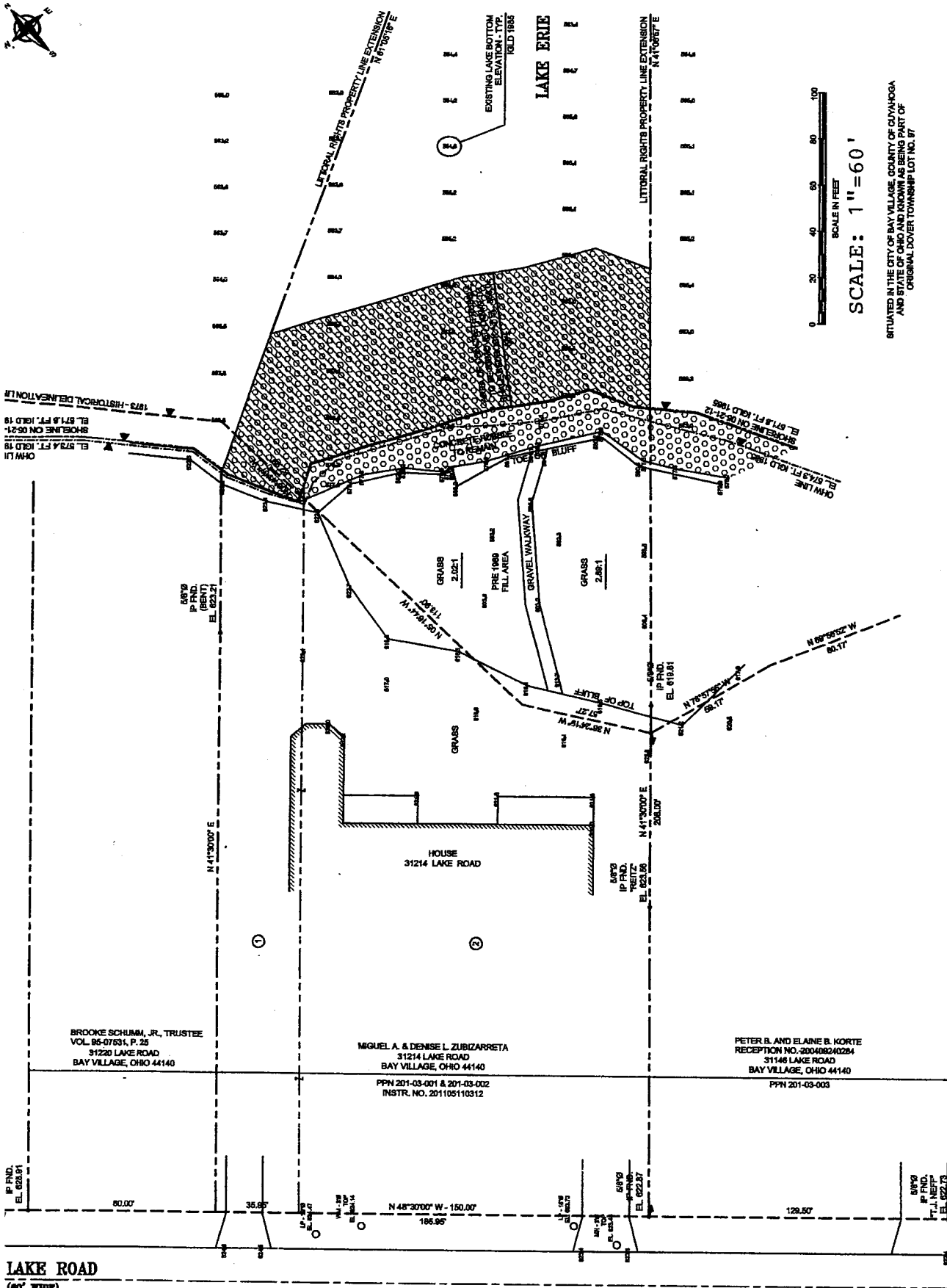
## **SIGNED**

Diane C. Kozlowski  
Chief, Regulatory Branch

**NOTICE TO POSTMASTER:** It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988	VICINITY MAP	PREPARED BY: MATRIX ENGINEERING, INC.
ADJACENT PROPERTY OWNERS: 1.) BROOKE SCHUMM, JR., TRUSTEE 2.) PETER B. & ELAINE B. KORTE	MIGUEL A. & DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140	SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO
		SHEET 1 OF 6 08-17-12



SCALE: 1"=60'

SITUATED IN THE CITY OF BAY VILLAGE, COUNTY OF CUYAHOGA  
AND STATE OF OHIO AND KNOWN AS BEING PART OF  
ORIGINAL DOVER TOWNSHIP LOT NO. 87

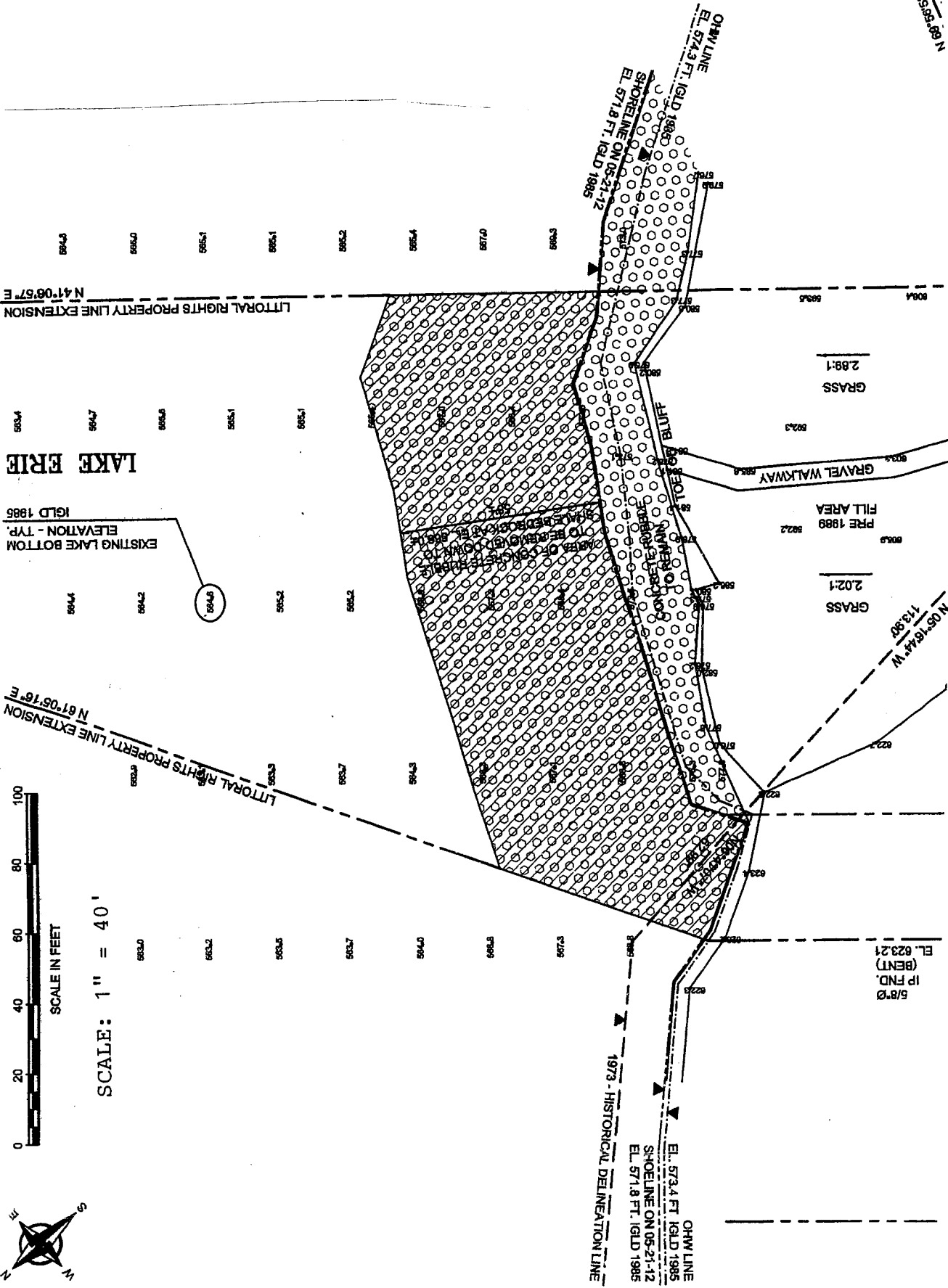
LAKE ROAD  
(60' WIDE)

Zubizarreta, Miguel and Denise  
D/A Processing No. 2012-01072  
Cuyahoga County, Ohio  
Quad: North Olmsted  
Sheet 2 of 8



NOTES:  
1) ALL ELEVATIONS ARE RELATIVE TO  
GOLD 1985. G.D. L.V.D. = 689.20 FT. M.D. 1985.  
2) LITTORAL RIGHTS PROPERTY LINE  
IS DETERMINED BY THE RADIAL  
METHOD. WEST SIDE OF PROPERTY A THE  
OHW LINE. EAST SIDE OF PROPERTY A THE  
1973 - HISTORICAL DELINEATION LINE.

DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988	EXISTING SITE PLAN	PREPARED BY: MATRIX ENGINEERING INC.
1.) BROOKE SCHUMM, JR., TRUSTEE 2.) PETER B. & ELAINE B. KORTE	MIGUEL A. & DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140	SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO SHEET 2 OF 6 08-17-12



EXISTING SITE PLAN

MATRIX ENGINEERING INC.

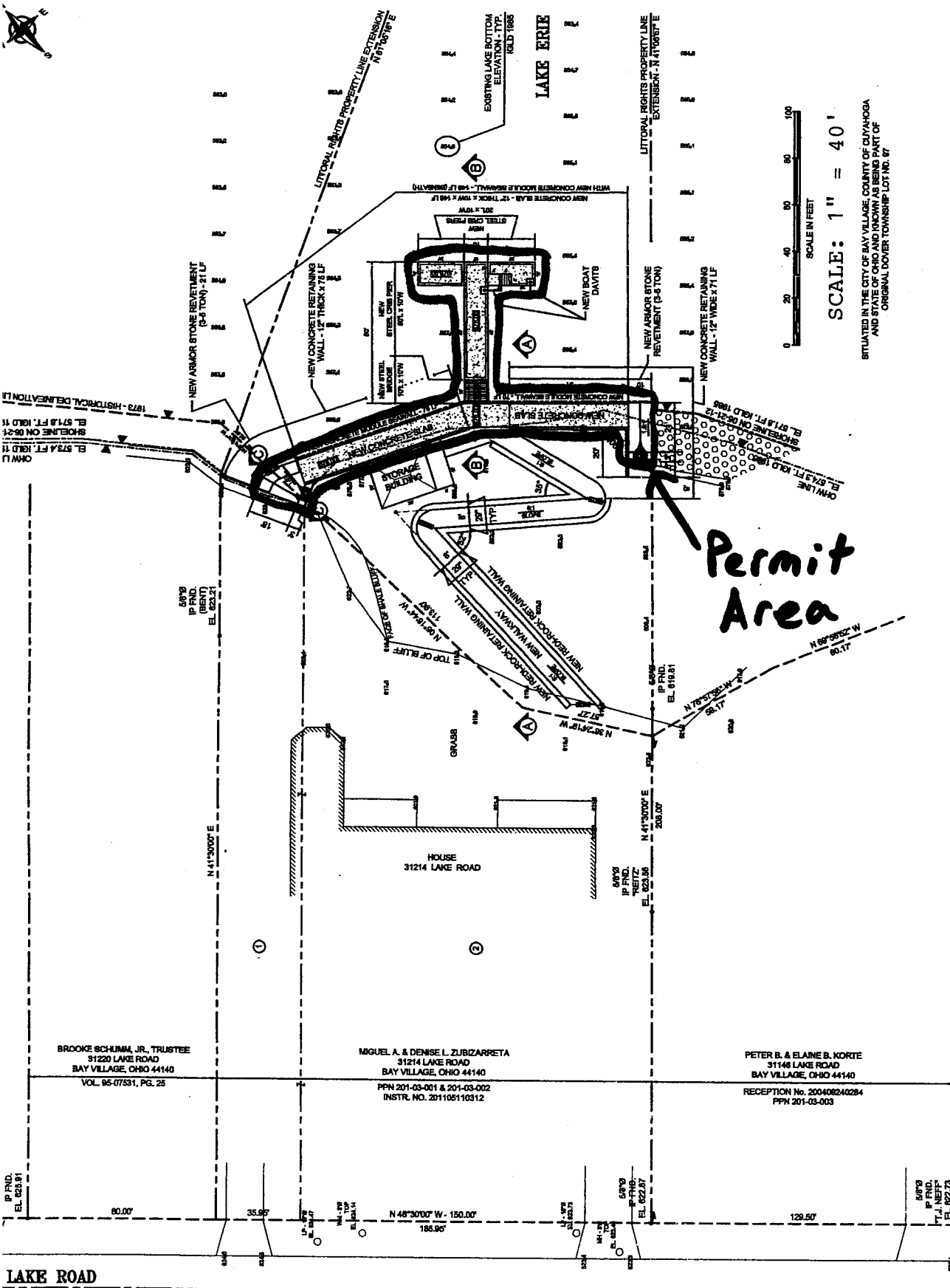
DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988

SHORELINE IMPROVEMENTS AT  
31214 LAKE ROAD  
BAY VILLAGE, OHIO

MIGUEL A. &  
DENISE L. ZUBIZARRETA  
31214 LAKE ROAD  
BAY VILLAGE, OHIO 44140

1.) BROOKE SCHUMM, JR., TRUSTEE  
2.) PETER B. & ELAINE B. KORTE

SHEET 2A OF 6 08-17-12



LAKE ROAD  
(60' WIDE)

Zubizarreta, Miguel and Denise  
D/A Processing No. 2012-01072  
Cuyahoga County, Ohio  
Quad: North Olmsted  
Sheet 4 of 8



NOTES:  
1.) ALL ELEVATIONS ARE RELATIVE TO  
FIELD 1985. D.G. LWD = 680.20 FT. I.G.D. 1985.  
2.) LITTORAL RIGHTS PROPERTY LINE  
EXTENSIONS DETERMINED BY THE RADIAL  
METHOD. WEST SIDE OF PROPERTY A THE  
LITTORAL RIGHTS PROPERTY LINE IS THE  
1873 - HISTORICAL DELINEATION LINE.

DATE: 0.0 L.W.D. = 569.42 FT. NAVD 1988

DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988

1.) BROOKE SCHUMM, JR., TRUSTEE  
2.) PETER B. & ELAINE B. KORTE



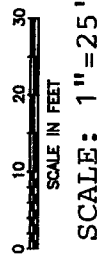
MATRIX ENGINEERING INC.

SHORELINE IMPROVEMENTS AT  
31214 LAKE ROAD  
BAY VILLAGE, OHIO

SHEET 3 OF 6 08-17-12







1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

**SECRET PROPERTY DAMAGE**

- SECTION A-A

MIGUEL A. &  
DENISE L. ZUBIZARRETA  
31214 LAKE ROAD  
BAY VILLAGE, OHIO 44140

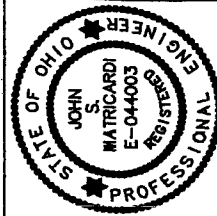
**PREPARED BY:**

**MATRIX ENGINEERING INC.**

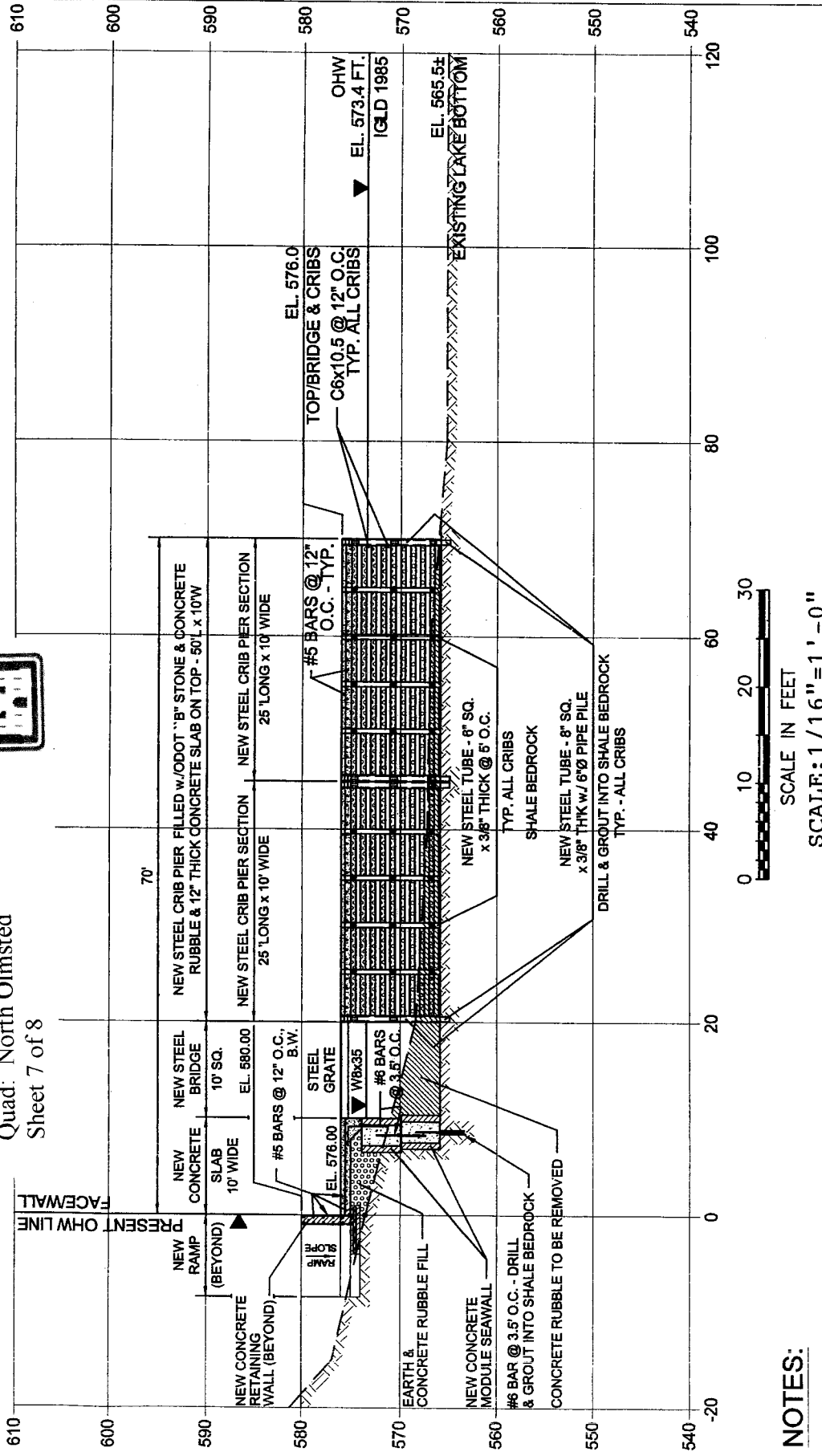
SHORELINE IMPROVEMENTS AT  
31214 LAKE ROAD  
BAY VILLAGE, OHIO

SHEET 4 OF 6

08-17-12



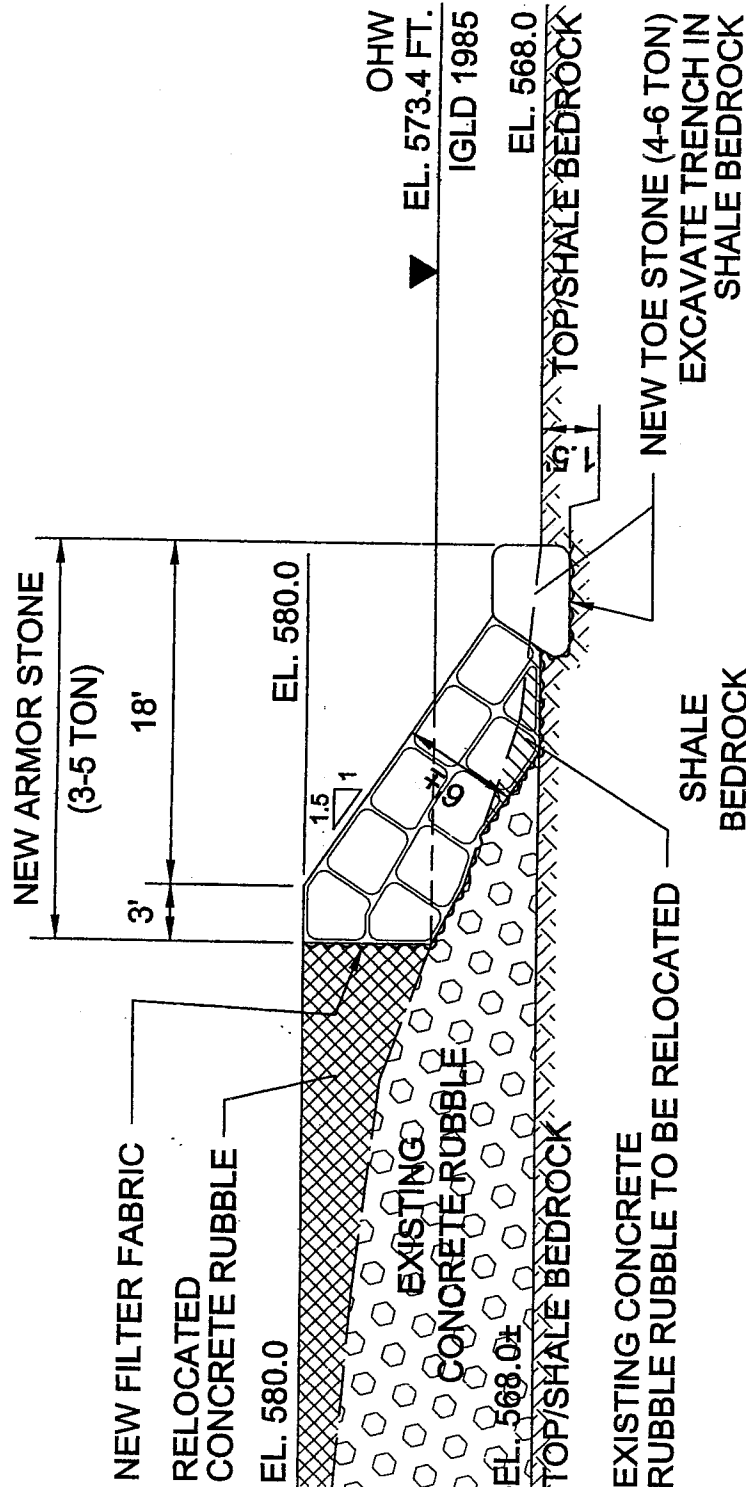
Zubizarreta, Miguel and Denise  
D/A Processing No. 2012-01072  
Cuyahoga County, Ohio  
Quad: North Olmsted  
Sheet 7 of 8



# NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO  
IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

<p>DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988</p>	<p>SECTION B--B</p>	<p>PROVED BY MATRIX ENGINEERING INC.</p>	
<p>1.) BROOKE SCHUMM, JR., TRUSTEE 2.) PETER B. &amp; ELAINE B. KORTE</p>	<p>MIGUEL A. &amp; DENISE L. ZUBIZARRETA 31214 LAKE ROAD BAY VILLAGE, OHIO 44140</p>	<p>SHORELINE IMPROVEMENTS AT 31214 LAKE ROAD BAY VILLAGE, OHIO</p>	<p>SHEET 5 OF 6 08-17-12</p>



## NOTES:

1.) ALL ELEVATIONS ARE RELATIVE TO IGLD 1985. 0.0 LWD = 569.20 FT. IGLD 1985.

DATUM: 0.0 L.W.D. = 569.42 FT. NAVD 1988

- 1.) BROOKE SCHUMM, JR., TRUSTEE
- 2.) PETER B. & ELAINE B. KORTE

SECTION C-C

MIGUEL A. &  
DENISE L. ZUBIZARRETA  
31214 LAKE ROAD  
BAY VILLAGE, OHIO 44140

MATRIX ENGINEERING INC.

SHORELINE IMPROVEMENTS AT  
31214 LAKE ROAD  
BAY VILLAGE, OHIO

SHEET 6 OF 6 08-17-12

